

Amendment No. 1 to SB3216

**Burks
Signature of Sponsor**

AMEND Senate Bill No. 3216*

House Bill No. 3455

by adding the following new sections before the effective date section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 65, Chapter 4, is amended by adding the following language as a new part:

§ 65-4-601.

(a) This part may be cited as the “Tennessee Telecommunications Service Assistance Act”.

(b) The purpose of this part is to grant limited jurisdiction to the Tennessee regulatory authority in designating competing telecommunications service providers as eligible telecommunications carriers for purposes of the federal universal service fund as created by the Telecommunications Act of 1996 and for the purpose of maximizing Tennessee tax dollars used to support such fund..

§ 65-4-602.

As used in this part, unless the context otherwise requires:

(1) “Authority” means the Tennessee regulatory authority;

(2) “Competing telecommunications service provider” has the same meaning as defined in § 65-4-101(1); and

(3) “Eligible telecommunications carrier” means a common carrier receiving such designation from the authority in accordance with 47 U.S.C. § 214(e) and any other applicable federal law and federal regulations.

§ 65-4-603.

(a)

(1) Consistent with federal law and federal regulations, the authority shall consider the petition of any competing telecommunications service provider for designation as an eligible telecommunications carrier.

(2) If the petitioner meets the requirements of federal law and federal regulations, the authority shall approve such petition within ninety (90) days after the date the petition is filed.

(3) The authority shall not impose any requirement in connection with the application for, or designation of, eligible telecommunications carrier status that exceeds or differs in any way from those requirements imposed by federal law or federal regulations, except for a reasonable administrative fee in processing the applications.

(b) Except as provided in this section, nothing in this part shall alter or require action with respect to any designation of eligible telecommunications carrier status granted by the authority prior to the effective date of this act, and any such prior designation shall be deemed as of the date of such prior designation to encompass, consistent with 47 C.F.R. §54.201(h), all voice communications services provided by the eligible telecommunications carrier including but not limited to wireless communications services, to the extent such services are recognized by federal law for the purpose of universal service support. Provided, however, the carrier must be able to demonstrate to the authority that the carrier's wireless and wireline services offered are consistent with federal law and federal regulations applicable to eligible telecommunications carriers. In making such determination under this subsection (b), the authority may impose requirements as provided in subdivision (a)(3) of this section.

(c)

(1) The designation of eligible telecommunications carrier status, as set forth in this part, shall be the sole area in which the authority is empowered by state law to exercise jurisdiction over commercial mobile radio service or wireless communications service of any kind.

(2) The authority's jurisdiction to grant eligible telecommunications carrier status pursuant to this part shall sunset on January 1, 2012.

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.